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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/820,723
Filing Date	April 9, 2004
First Named Inventor	Denis MARCHAND
Art Unit	3636
Examiner Name	Milton Nelson Jr.
Attorney Docket Number	15656-16US

**ENCLOSURES (Check all that apply)**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>- Substance of Interview<br>- Combined Declaration for Utility or Design<br>Patent Application and Power of Attorney |
|---|--|--|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	OGILVY RENAULT		
Signature			
Printed name	Michel Bélanger		
Date	June 1, 2005	Reg. No.	38,015

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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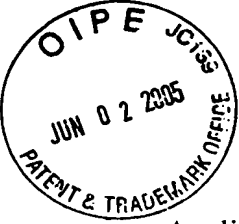
Commissioner for Patents

Serial No.10/820,723

File: 15656-16US – MB/DStM/jp

Montreal, CANADA

June 1, 2005



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Denis MARCHAND et al.  
Serial No.: 10/820,723  
Filed: April 9, 2004  
Title: SEATING DEVICE  
Group Art Unit: 3636  
Examiner: Milton Nelson Jr. (571) 272-6861  
Agent of Record: Michel Bélanger (514) 847-6049

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Mail Stop Amendment  
Commissioner for Patents  
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U.S.A.

**SUBSTANCE OF INTERVIEW UNDER §713.04**

Sir:

This follows an Office Communication dated May 11, 2005. An amendment in response to an Office Action dated March 21, 2005 is co-currently filed.

In accordance with §713.04 of the MPEP, it is respectfully requested that the following written statement as to the substance of a telephone interview for the above-referenced patent application be made of record.

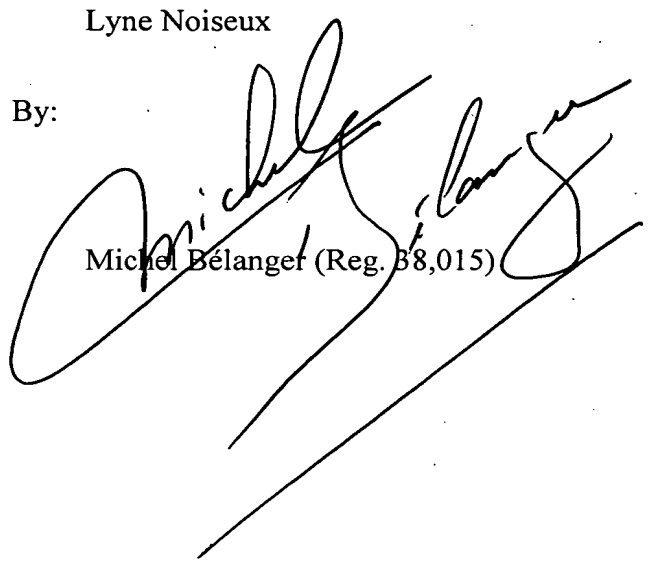
The Commissioner is hereby authorized to charge our Deposit Account N° 19-5113 for any fee required for filing this document.

1. Applicant initiated a telephone interview that occurred on May 4, 2005 for the above-referenced application.
2. The participants for said telephone interview were Milton Nelson, Jr., Patent Examiner and Michel Bélanger, Agent of Record.
3. No exhibits or demonstrations were shown during the interview.
4. Claim 32 was discussed.
5. The prior art discussed was US patent 5,044,587 to Degen.
6. Applicant proposed amending claim 32 so as to specify that the seat is coupled to the stem in order to eliminate rotation of the seat with respect to the stem. According to the Examiner, such a proposed amendment would still not render claim 32 allowable over Degen since, in the Degen device, there is no rotation between seat (4) and stem (5). Applicant argued that member (5) of Degen is not a stem but rather a seat part (5) as stated on column 3, line 4 and as shown in Fig. 1. Applicant also argued that the stem of the Degen device is the stand (1) as stated in column 2 and shown in Fig. 1. However, such arguments were not considered persuasive by the Examiner and therefore, no agreement was reached.
7. With respect to the "Oath/Declaration" rejection on page 3 of the Office Action dated March 21, 2005, Applicant indicated to the Examiner that a signed combined declaration by both inventors was filed at USPTO on July 13, 2004 in response to the Notice to File Missing Parts dated June 23, 2004. The Examiner indicated that submission of a copy of the signed combined declaration will be sufficient to overcome the rejection.

Respectfully submitted,

Denis Marchand; and  
Lyne Noiseux

By:

  
Michel Bélanger (Reg. 38,015)